



COUNTY OF LOS ANGELES
REGISTRAR-RECORDER/COUNTY CLERK

12400 IMPERIAL HWY. – P.O. BOX 1024, NORWALK, CALIFORNIA 90651-1024 – www.lavote.net

DEAN C. LOGAN

Registrar-Recorder/County Clerk

February 13, 2009

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

**ADOPT RESOLUTION REQUESTING CONSOLIDATION OF THE 26th STATE
SENATE SPECIAL GENERAL ELECTION WITH LOS ANGELES CITY'S GENERAL
MUNICIPAL ELECTION
(ALL DISTRICTS) (3 VOTES)**

SUBJECT

Request approval to consolidate the 26th State Senate District Special General Election with Los Angeles City's regularly scheduled May 19, 2009 General Municipal Election.

IT IS RECOMMENDED THAT YOUR BOARD:

1. Adopt the attached resolution requesting the City of Los Angeles to consolidate the Special Election to fill the vacancy in the 26th State Senate District with the City's May 19, 2009 General Municipal Election.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

On November 4, 2008, State Senator Mark Ridley-Thomas was duly elected to the office of Supervisor in the 2nd District of the Los Angeles County Board of Supervisors, thereby vacating the 26th State Senate District.

We are advised by the California Secretary of State that a vacancy is legally deemed to exist in that Office, and the Governor has ordered that the election to fill the vacancy be held on May 19, 2009. The Registrar-Recorder/County Clerk (RR/CC) is responsible for conducting both the 26th State Senate General Election, as well as the Special Primary Nominating Election for the same office on March 24, 2009.

Adoption of the attached resolution would allow consolidation of the Special General Election with the City's regularly scheduled May 19, 2009 General Municipal Election. The resolution must be adopted by your board and filed with the City Council no later than February 20, 2009.

FISCAL IMPACT/FINANCING

This election is an unbudgeted special election for which funding has not been included in the RR/CC fiscal year 2008-2009 adopted budget.

The cost estimate for the RR/CC to conduct this single stand-alone election is approximately \$2,400,000. If Los Angeles City conducted this as a consolidated election with City's ballot including Los Angeles Unified School District and Los Angeles Community College District elections it would result in cost reduction because costs would be prorated over participating jurisdictions and territories. If the RR/CC conducted the election as a stand-alone without other jurisdictions participating, then the entire election cost would be the responsibility of the RR/CC and the County.

The RR/CC has not budgeted for this unscheduled special election and current estimated actuals indicate insufficient funding to absorb costs within the existing budget. We are requesting that the Board appropriate funding into the RR/CC operating budget to pay for election services performed by Los Angeles City.

The state historically provides reimbursement to counties for the costs of conducting special vacancy elections. Such reimbursement is dependent on legislation that has not currently passed; however the Department will continue to pursue state reimbursement.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

Section 10703 of the California Elections Code permits the Special Election to be consolidated with any local election regularly scheduled to be conducted within 180 days of the Governor's proclamation, if the local election is conducted wholly or partially (at least 50%) within the same territory in which the vacancy exists.

Ninety percent (90%) of the 26th State Senate District lies within the boundaries of the City of Los Angeles, with additional portions within the city of Culver City.

Section 10400 et.seq. of the California Elections Code permits your Board to adopt a resolution requesting the City of Los Angeles to consolidate the Special Election with the City's municipal elections. The resolution must be filed with the City Council no later than 88 days prior to the City's May 19, 2009 General Municipal Election, which is February 20, 2009.

Because there is the possibility that the Governor may also order a Special Statewide Election on May 19, 2009, related to the State's budget, this resolution before your Board requires that if a Statewide Special Election is ordered and called by the Governor for May 19, 2009 that the resolution will be null and void, and the RR/CC will conduct the 26th State Senate District Special General Election, canvass the returns and certify official election results to the Los Angeles County Board of Supervisors.

The alternatives to consolidating the Special Election with the City's regularly scheduled general election are: (1) to hold concurrent elections in the same jurisdictions on the same day, or (2) to hold a separate County conducted special election for filling the vacant office on different, possibly overlapping dates within the same time frame.

In the opinion of this Office, and that of the City Clerk, either alternative would potentially lead to voter confusion, and result in reduced voter participation and increased election costs.

For these reasons, we are informed and believe that should a Statewide Special Election be called by the Governor related to the State budget, in which instance the RR/CC will conduct both the Statewide Special Election and the Special Election to fill the vacancy in the 26th State Senate District, the City of Los Angeles may also request that the elections in their jurisdiction be consolidated with the County's ballot for the same date.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

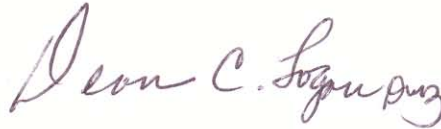
There are presently five (5) elections calendared and seven (7) unscheduled special elections to be conducted by the RRCC in 2009.

Adoption of the resolution to consolidate the unscheduled 26th State Senate District Special General Election with the city's regularly scheduled General Municipal Election would reduce the budgetary impact and would align with the County's Service Excellence goal to provide quality customer service.

CONCLUSION

Upon approval by the Board of Supervisors, it is requested that the Executive Officer/Clerk of the Board file an adopted copy of the Resolution with the City Council of the City of Los Angeles by no later than February 20, 2009.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Dean C. Logan". The signature is fluid and cursive, with the first name "Dean" and last name "Logan" clearly distinguishable.

DEAN C. LOGAN
Registrar-Recorder/County Clerk

Attachment

c: William T. Fujioka
Chief Executive Officer

Sachi A. Hamai
Executive Officer, Board of Supervisors

Raymond G. Fortner, Jr.
County Counsel

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF LOS ANGELES
REQUESTING CONSOLIDATION OF ELECTIONS**

WHEREAS, Senator Mark Ridley-Thomas, representing the 26th State Senate District, was duly elected as a Los Angeles County Supervisor in the Second District in the election on November 4, 2008, thereby vacating the 26th State Senate District; and

WHEREAS, the Registrar-Recorder/County Clerk of Los Angeles County is informed by the Office of the Governor that a special election to fill the vacancy has been called by election proclamation issued to the County of Los Angeles pursuant to California Elections Code Section 10703, permitting the special election to be consolidated with any regularly scheduled local election occurring wholly or partially within the same territory in which the vacancy occurred, provided that the voters eligible to vote in the local election comprise at least 50 percent of all the voters eligible to vote on the vacancy; and,

WHEREAS, at least 50 percent of all the voters eligible to vote on the vacancy in the 26th State Senate District reside within the City of Los Angeles, and the City of Los Angeles is scheduled to conduct its regularly scheduled General Municipal Election on May 19, 2009; and,

WHEREAS, a resolution requesting the City of Los Angeles to consolidate general election must be filed with the City Council of Los Angeles, and a copy with the City Clerk, on or before February 20, 2009;

NOW, THEREFORE BE IT RESOLVED by the Board of Supervisors of the County of Los Angeles that:

(1) The City Council of the City of Los Angeles is hereby requested to order the consolidation of the Special General Election for the Office of Senate, 26th District, with the Los Angeles City General Election regularly scheduled to be held in the City of Los Angeles on May 19, 2009, provided that no Statewide Special Election is ordered and called for the same date; and

(2) If, subsequent to the approval of this resolution by the Board of Supervisors, or approval, acceptance, or other action on this resolution by the City Council of the City of Los Angeles, a Statewide Special Election is ordered and called for May 19, 2009, the Registrar-Recorder/County Clerk will conduct the Special General Election for the Office of the Senate, 26th District, and this resolution is null and void, and shall have no effect; and

(3) Provided that no Statewide Special Election is ordered and called for the same date, the City Council of the City of Los Angeles is authorized and requested to canvass the returns of the Special General Election in the 26th State Senate District, and to certify the results of the elections to the Los Angeles County Board of Supervisors, with a copy to be provided to the Los Angeles County Registrar-Recorder/County Clerk; and

(4) The Registrar-Recorder/County Clerk is instructed to cooperate with the City Clerk and to perform or cause to be performed such functions preliminary to the conduct of said election or elections as may be agreed upon with the City Clerk; and

(5) The City Council of the City of Los Angeles is requested to fix the costs to be paid by the County of Los Angeles for the consolidation of the Special General Election,

and issue instructions to the City Clerk to take any and all steps necessary on the part of the City of Los Angeles to hold said election or elections and for which the County agrees to reimburse the City; and

(6) The County Counsel and Registrar-Recorder/County Clerk are directed to take any and all steps necessary on the part of the County of Los Angeles to hold said election or elections; and

(7) The Executive Officer of the Board of Supervisors is instructed to file a duly certified copy of this resolution forthwith, and in no event later than February 20, 2009, with the City Council of the City of Los Angeles, with a copy to be provided to the City Clerk.

The foregoing resolution was on the ____ day of _____, 2009, adopted by the Board of Supervisors of the County of Los Angeles and ex officio the governing body of all other special assessment and taxing districts, agencies and authorities for which said Board so acts.

SACHI A. HAMAI
Executive Officer of the
Board of Supervisors of the
County of Los Angeles

By _____
Deputy

APPROVED AS TO FORM:

RAYMOND G. FORTNER, JR.
County Counsel

By


Deputy